

REMARKS

Claims 14-34 are currently pending in the subject application, and are presently under consideration. Claim 1 has been cancelled herein without prejudice. Claims 21, 23 and 24 were amended to correct minor objections cited by the Examiner. Claims 14, 20, and 21 were amended herein to place the subject invention in condition for allowance. A clean version of all pending claims is found at pages 2-4. A marked version of the amended claims is found at page 8. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I. Rejection of Claims 21-34 Under 35 U.S.C. §112

Claims 21-34 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Withdrawal of this rejection is respectfully requested for at least the following reasons. Claim 21 has been amended herein to remove the limitation *to mitigate exertion of unsupported force on a grip of the handle by force of key strokes*. Therefore, withdrawal of this is rejection respectfully requested since a keyboard or keypad means is not required as cited by the Examiner.

II. Rejection of Claims 14, 16-17, and 20 Under 35 U.S.C. §102(b)

Claims 14, 16-17 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Petteruti, *et al.* (US 5,335,170). Withdrawal of this rejection is respectfully requested for at least the following reasons. Claim 14 has been amended herein to recite that the display is configurable according to the user's hand. Claim 20 further recites left handed vs. right handed operation. Petteruti, *et al.* does not disclose configuring a hand-held scanner display according to the user's hand such as to accommodate scanner operations for different types of users. Thus, withdrawal of the rejection of claim 14 and the claims 16-17 and 20 which depend therefrom is respectfully requested.

III. Rejection of Claims 21-24, 28-29, and 32 Under 35 U.S.C. §103(a)

Claims 21-24, 28-29, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Petteruti, *et al.* Withdrawal of this rejection is respectfully requested for at least the following reasons. Claim 21 has been amended herein to recite extending the handle from the bottom surface of the body near the first distal end to increase a viewing angle of the display. Petteruti, *et al.* teaches a scanner base unit that is slidable into a handle adapter. This configuration positions the handle in a

central location under the base unit thus, causing the display or viewing angle to be more difficult to observe from the user's hand. Therefore, Petteruti, *et al.* does not teach or suggest the advantage of an increased viewing angle as recited in claim 21. In view of this, it is respectfully submitted that the rejection of claim 21 and claims 22-24, 28-29 and 32 that depend therefrom should be withdrawn.

IV. Rejection of Claims 18-19, 25-27, and 30-31 Under 35 U.S.C. §103(a)

Claims 18-19, 25-27, and 30-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Petteruti, *et al.* in view of Reynolds, *et al.* (US 5,828,052). Withdrawal of this rejection is respectfully requested for at least the following reasons. Reynolds, *et al.* does not make up for the aforementioned deficiencies of Petteruti, *et al.* with respect to amended claims 14 and 21. Therefore, it is respectfully requested that this rejection should be withdrawn.

V. Rejection of Claims 33-34 Under 35 U.S.C. §103(a)

Claims 33-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Petteruti, *et al.* in view of Tracy, *et al.* (US 5,979,757). Withdrawal of this rejection is respectfully requested for at least the following reasons. Tracy, *et al.* does not make up for the aforementioned deficiencies of Petteruti, *et al.* with respect to amended claim 21. Therefore, it is respectfully submitted that this rejection should be withdrawn.

VI. Conclusion

The present application is believed to be condition for allowance in view of the above remarks-a prompt action to such end is earnestly solicited.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Respectfully submitted,

AMIN & TUROCY, LLP

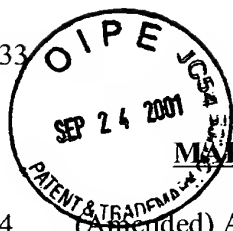


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MARKED UP VERSION OF AMENDED CLAIMS

14. (Amended) A hand-held optical scanning device, comprising:
- a body including an upper surface having a display mounted thereof;
 - a handle that extends from a bottom surface of the body, [the handle being joined at a selected angle with respect to the body to cause a proximal end of a bottom surface of the body to rest on a radial surface of a user's hand when a user grasps the handle, the handle] the display being configurable according to [accommodate the] a user's hand.
20. (Amended) The hand-held optical scanning device of claim 14, [further comprising a] the display [that] is configurable to adapt to a user's preference, the user's preference including at least one of a horizontal configuration and a vertical configuration, the horizontal configuration is configurable for at least one of a left handed and a right handed user.
21. (Amended) A hand-held optical scanning device, comprising:
- a body having an optical scanning module arranged to scan objects in a direction outward from a first distal end, the body including an upper surface having a display mounted thereof;
 - a handle that extends from a bottom surface of the body near the first distal end to increase a viewing angle of the display, the handle being joined to the body to cause a proximal end of a bottom surface of the body to rest on a radial surface of a user's hand [so as to mitigate exertion of unsupported force on a grip the handle by force of key strokes].
23. (Amended) The hand-held optical scanning device of claim 22[21], the trigger being a two-finger trigger.
24. (Amended) The hand-held optical scanning device of claim 22[21], the trigger facilitating at least one of the following functions: read only, read and store, and scroll menu utility.